

PRODUCT: 210 cartons, each containing 1 2-pound fruit cake, at Bronx, N. Y.
The product was insect-infested.

LABEL, IN PART: "Dumbarton Oaks Rum & Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: February 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9215. Adulteration of fruit cakes. U. S. v. 319 Tins of Spiced Fruit Cakes. Default decree of condemnation and destruction. (F. D. C. No. 18747. Sample No. 29993-H.)

LIBEL FILED: January 2, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 8, 1945, by the Roll Biscuit Co., from New York, N. Y.

PRODUCT: 319 tins, each containing 6 15-ounce fruit cakes, at San Francisco, Calif.

LABEL, IN PART: "Spiced Fruit Cakes Lebkuchen."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and mold.

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9216. Misbranding of fruit cake. U. S. v. 114 Tins of Fruit Cake. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 18616. Sample No. 7995-H.)

LIBEL FILED: December 5, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about October 26, 1945, by the Berke Cake Co., Inc., from Brooklyn, N. Y.

PRODUCT: 114 tins, each containing 1 2-pound fruit cake, at Jersey City, N. J.

LABEL, IN PART: "Londonderry Rum & Brandy English Type Fruit Cake * * * Baked in the U. S. A. by Londonderry Bakers, Ltd. * * * Brooklyn 6, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Rum & Brandy English Type Fruit Cake" and "Ingredients * * * Rum and Brandy," were false and misleading since the article contained little, if any, rum or brandy.

DISPOSITION: January 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

9217. Adulteration of cookies. U. S. v. Arthur P. Suprise (Kay Cookie Co.). Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 16512. Sample Nos. 62835-F to 62837-F, incl., 21853-H, 21854-H, 21856-H, 21857-H.)

INFORMATION FILED: December 11, 1945, Western District of Tennessee, against Arthur P. Suprise, trading as the Kay Cookie Co., Memphis, Tenn.

ALLEGED SHIPMENT: On or about January 17, 1944, and May 4, 1945, from the State of Tennessee into the State of Mississippi.

LABEL, IN PART: "Kay's Cookies," or "Kay's Vanilla Wafers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, hair fragments resembling rodent hairs, insect fragments, feather fragments, cat and other hairs, and insects; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 13, 1946. The defendant having entered a plea of nolo contendere, the court imposed fines of \$500 on count 1 and \$250 on each of the remaining 2 counts.

9218. Adulteration of spiced cookies. U. S. v. 89 Cartons of Spiced Cookies. Default decree of forfeiture and destruction. (F. D. C. No. 18583. Sample No. 52615-H.)

LIBEL FILED: December 26, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about November 15, 1945, by the Runkle Co., from Kenton, Ohio.

PRODUCT: 89 17-pound cartons of spiced cookies at Indianapolis, Ind.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 20, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

9219. Misbranding of cookies. U. S. v. 5 Boxes of Cookies. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 18695. Sample No. 5023-H.)

LIBEL FILED: December 26, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 22, 1945, by S. P. Goldstein (Quaker Pretzel Dist.), from Brooklyn, N. Y.

PRODUCT: 5 1-pound boxes of cookies at Philadelphia, Pa.

LABEL, IN PART: "Rum and Brandy Spice Drops (Pfeffermuss) * * * Baked for Atlas Bakeries, Inc. Brooklyn, N. Y. * * * Ingredients: * * * Pure and Artificial Rum and Brandy Flavors."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Rum and Brandy Spice Drops" was false and misleading since the cookies contained artificial rum and brandy flavor; Section 403 (e), an accurate statement of the quantity of the contents and the common or usual name of each ingredient of the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they appeared on the end flap of the box; and, Section 403 (k), the product contained artificial coloring and failed to bear labeling stating that fact.

DISPOSITION: January 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

9220. Adulteration of soda crackers. U. S. v. 99 Cartons of Soda Crackers. Default decree of condemnation and destruction. (F. D. C. No. 18876. Sample No. 43908-H.)

LIBEL FILED: January 28, 1946. Southern District of California.

ALLEGED SHIPMENT: On or about October 22, 1945, by the General Chemical Co., from Phoenix, Ariz. This was a return shipment.

PRODUCT: 99 6-pound cartons of soda crackers at Los Angeles, Calif. Examination showed that the cartons had been damaged by crushing and that the product was contaminated with dirt.

LABEL, IN PART: "Pacific Cracker Co. Los Angeles, California Red Arrow Salted Wafers."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: February 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9221. Adulteration of pies. U. S. v. Pappas Pie and Baking Co. and John P. Pappas. Pleas of nolo contendere. Fines of \$500 against each defendant. (F. D. C. No. 16513. Sample Nos. 22157-H to 22160-H, incl.)

INFORMATION FILED: September 25, 1945, Eastern District of Missouri, against the Pappas Pie and Baking Co., a corporation, St. Louis, Mo., and John P. Pappas, president of the corporation.

ALLEGED SHIPMENT: On or about May 12, 1945, from the State of Missouri into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25, 1946. Pleas of nolo contendere having been entered on behalf of the corporation and the individual defendants, the court imposed fines of \$500 against each, a total fine of \$1,000.